

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 3, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gimbert et al. (U.S. Publication No. 2002/0116620, "*Gimbert*") in view of Dobbins (U.S. Publication No. 2002/0066033, "*Dobbins*"). Applicants respectfully traverse this rejection.

It is well established law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), *In re Keller*, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). For at least the reasons set forth in more detail below, in the present case, when *Gimbert* and *Dobbins* are combined, they do not teach or suggest all of the features of at least independent claims 1, 6, 11, and 15. For example, there are several deficiencies of the *Gimbert* reference that are not cured by combining it with the *Dobbins* reference. In addition, Applicants submit that the *Dobbins* reference does not read on the portions of the instant claims that have been alleged in the Office Action.

Beginning with *Gimbert*, the Office Action admits that:

"*Gimbert*" does not disclose expressly mapping from a number of destination addresses to a respective number of security identifiers via a directory server.

Office Action at 3. The Office attempts to remedy this deficiency of *Gimbert* by applying the *Dobbins* reference. Specifically, the Office alleges as follows:

"*Dobbins*," teaches mapping from a number of destination addresses to a respective number of security identifiers via a directory server ("*Dobbins*," Paragraph [0071] Lines 16-18 and Paragraph [0088] & Figure 1 Element 20/80: (a) the anonymous IP address used to further protect subscriber ID, as taught by "*Dobbins*" is qualified as the security ID (b) the Directory Server (Figure 1 Element 80) organizes subscriber's security information in a relational DB such that the switch interface can read the information efficiently from the Directory Server (Paragraph [0088]).

Id. at 3-4. Applicants respectfully disagree that *Dobbins* teaches mapping from a number of destination addresses to a respective number of security identifiers, as recited in independent claims 1, 6, 11, and 15. Namely, there are at least two reasons why *Dobbins* does not teach or disclose this feature.

First, in *Dobbins*, the mapping referenced by the Office Action occurs in switch 20, which is external to the directory server 80. See *Dobbins*, FIG. 1.

Specifically, *Dobbins* states:

Further, the mapping of actual subscriber IP addresses to anonymous IP addresses in switch 20 can protect the subscriber's identity and the subscriber's local network.

at [0071]. In contrast, each of the instant independent claims recites mapping "via a directory server." Thus, this feature of "mapping...via a directory server" is not taught or suggested by *Dobbins*. For at least this reason, *Dobbins* does not remedy the deficiency of *Gimbert* with respect to claims 1, 6, 11, and 15.

Second, the mapping of *Dobbins* is not "mapping from a number of destination addresses to a respective number of security identifiers", as recited in the independent claims", contrary to the assertion in the Office Action. Instead, the mapping of *Dobbins* is "of actual subscriber IP addresses to anonymous IP addresses." Applicants disagree with the Examiner's assertion that the anonymous

IP addresses qualifies as the security ID of the instant claims. The purpose of the anonymous IP addresses of *Dobbins* is to "protect the subscriber's identity and the subscriber's local network." *Dobbins* at [0071]. The security identifiers of the independent claims, however, are used to "add[] a number of access privileges to the digital document." Independent claims 1, 6, 11, and 15. These are two different uses, and therefore the anonymous IP addresses of *Dobbins* does not qualify as the security identifiers of the independent claims. Therefore, for at least this reason also, *Dobbins* does not remedy the deficiency of *Gimbert* with respect to claims 1, 6, 11, and 15.

Moreover, to the extent that the Examiner is taking official notice of various claim limitations as qualifying as elements in *Dobbins* (i.e., the "anonymous IP addresses" of *Dobbins* as qualifying as the "security identifiers" in the claims), the MPEP defines the standard for taking official notice. As provided in MPEP § 2144.03 (emphasis added):

Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424, F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute" (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)).

As provided in MPEP § 2144.03 (emphasis added):

If applicant adequately traverses the examiner's assertion of official notice, **the examiner must provide documentary evidence in the next Office action** if the rejection is to be maintained. See 37 CFR 1.104(c)(2).

Applicants traverse the Examiner's assertion of official notice of each of the items in the Office Action.

In particular, Applicants traverse the assertion that "the anonymous IP address used to further protect subscriber ID, as taught by Dobbins et al., is qualified as the security ID...." *Office Action* at 2-3. Applicants submit that this is impermissible hindsight reconstruction. Applicants request that the Office provide documentary evidence in the next Office Action as to how the security identifiers of claims 1, 6, 11, and 15 are qualified by "anonymous IP addresses" of *Dobbins*.

Because independent claims 1, 6, 11, and 15 are allowable over the combination of *Gimbert* and *Dobbins*, dependent claims 2-5, 7-10, 12-14, and 16-18 are allowable as a matter of law for at least the reason that the dependent claims 2-5, 7-10, 12-14, and 16-18 contain all elements of their respective base claims. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). There may be other reasons why the dependent claims are allowable.

For example, claims 3, 8, 13, and 17 recite either "transmitting each of the destination addresses to the directory server along with a request for the security identifier associated therewith" (claims 3 and 13) or "logic to transmit each of the destination addresses to the directory server along with a request for the security identifier associated therewith" (claims 8 and 17)." These features/steps are not taught or suggested by the combination of *Gimbert* and *Dobbins*. The Office admits that this feature is not disclosed in *Gimbert*, but rather relies on *Dobbins* to reject these features. However, the portion of *Dobbins* relied on by the Office Action states as follows:

For instance, a subscriber's identity may be bound not only to authentication credentials, but also to access rights, connection time restrictions, service levels and other subscriber specific information.

Therefore, in at least some cases, it is advantageous to provide a single repository (e.g., DOE 80) for much or all such information.


[0082]. *Dobbins* refers to using the directory server as a repository, but does not disclose or suggest transmitting to the directory server destination addresses "along with a request for the security identifier associated therewith," as recited in dependent claims 3, 8, 13, and 17 (emphasis added). Therefore, claims 3, 8, 13, and 17 are allowable for at least this reason as well.

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CONCLUSION

Applicants respectfully request that all outstanding rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,


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